

**CROSNER LEGAL, P.C.**

Craig W. Straub (SBN 249032)  
Zachary M. Crosner (SBN 272295)  
9440 Santa Monica Boulevard Suite 301  
Beverly Hills, California 90210  
Telephone: (866) 276-7637  
craig@crosnerlegal.com  
zach@crosnerlegal.com

**REESE LLP**

Michael R. Reese (SBN 206773)  
100 West 93rd Street, 16th Floor  
New York, New York 10025  
Telephone: (212) 643-0500  
mreese@reesellp.com

**REESE LLP**

George V. Granade (SBN 316050)  
8484 Wilshire Boulevard, Suite 515  
Los Angeles, California 90211  
Telephone: (310) 393-0070  
ggranade@reesellp.com

*Attorneys for Plaintiffs Drew Moore and  
Jana Nicole Rabinowitz and the Proposed Class*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

DREW MOORE and JANA NICOLE  
RABINOWITZ, individually, and on behalf  
of all others similarly situated,

Plaintiffs,

v.

EO PRODUCTS, LLC, and DOES 1-25,  
inclusive,

Defendants.

Case No.: 4:22-cv-07618-JST

**FIRST AMENDED CLASS ACTION  
COMPLAINT**

**DEMAND FOR JURY TRIAL**

1 Plaintiff, Drew Moore (“PLAINTIFF MOORE”) and Jana Nicole Rabinowitz (“PLAINTIFF  
 2 RABINOWITZ”) (together, “PLAINTIFFS”), as individuals and on behalf of all other similarly  
 3 situated Class Members (defined below), hereby file this First Amended Complaint against  
 4 Defendants EO PRODUCTS, LLC, a Delaware Limited Liability Company; and DOES 1-100,  
 5 inclusive (collectively referred to herein as “DEFENDANTS”). PLAINTIFFS are informed and  
 6 believe and thereon allege as follows:

### 7 **JURISDICTION AND VENUE**

8 1. This Court possesses original subject matter jurisdiction over this matter. Venue is  
 9 proper in the Oakland Division because DEFENDANTS transact business within this judicial  
 10 district, and the principal place of business of Defendant EO PRODUCTS, LLC, is in San Rafael,  
 11 California, in the County of Marin, and some of the complained of conduct occurred in this  
 12 judicial district. In its Notice of Removal (ECF No. 1), Defendant EO PRODUCTS, LLC, asserts  
 13 that this Court has jurisdiction over this action pursuant to the Class Action Fairness Act of 2005,  
 14 28 U.S.C. § 1332(d) (“CAFA”), because the proposed Class consists of 100 or more members; the  
 15 amount in controversy exceeds \$5,000,000, exclusive of costs and interest; and minimal diversity  
 16 exists. *See* ECF No. 1.

17 2. Venue is proper in this District pursuant to 28 U.S.C. § 1446(a) because Defendant  
 18 removed this action from the California Superior Court for the County of Marin.

### 19 **THE PARTIES**

20 3. PLAINTIFF MOORE resides in Los Angeles County in the State of California.  
 21 PLAINTIFF MOORE purchased one or more of DEFENDANTS’ Products (as defined in  
 22 paragraphs 18 through 78 below) from the Everyone brand, including but not limited to  
 23 DEFENDANTS’ Everyone Spearmint + Lemongrass Hand Soap for approximately \$3.00 - \$5.00  
 24 from Whole Foods Market in Glendale, California in early 2022. In making the purchase,  
 25 PLAINTIFF MOORE relied on the Plant-Based Representations (defined below) stated on  
 26 Product’s label and packaging. At the time of the purchase, PLAINTIFF MOORE did not know that  
 27 the Plant-Based Representations were false. PLAINTIFF MOORE would not have purchased the  
 28

1 Products had PLAINTIFF MOORE known that the Products contained ingredients that do not come  
2 from plants or minerals, or that the ingredients' original plant-based or mineral composition was  
3 materially altered through chemical modification and processing. PLAINTIFF MOORE continues  
4 to see the Products available for purchase and desire to purchase them again if the Plant-Based  
5 Representations were true. PLAINTIFF MOORE is, and continues to be, unable to rely on the truth  
6 of the Products' Plant-Based Representations. PLAINTIFF MOORE does not know the meaning or  
7 the import of the Products' ingredients, including whether the ingredients come from plants or  
8 minerals, or whether the ingredients' original plant-based or mineral composition has been  
9 materially altered by chemical modification and processing. The Product purchased by PLAINTIFF  
10 MOORE is typical of the labeling of the Products purchased by the members of the Class.

11 4. PLAINTIFF RABINOWITZ resides in Nassau County in the State of New York.  
12 PLAINTIFF RABINOWITZ purchased one or more of DEFENDANTS' Products from the  
13 Everyone brand, including but not limited to DEFENDANTS' Everyone Lavender + Coconut Hand  
14 Soap and Everyone Meyer Lemon + Mandarin Hand Soap for approximately \$6 per Product from  
15 retail stores in and around her home residence in Nassau County including Whole Foods Market  
16 and/or Rising Tide Natural Market in approximately June 2024. In making the purchases,  
17 PLAINTIFF RABINOWITZ relied on the Plant-Based Representations (defined below) stated on  
18 Product's label and packaging. At the time of the purchase, PLAINTIFF RABINOWITZ did not  
19 know that the Plant-Based Representations were false. PLAINTIFF RABINOWITZ would not have  
20 purchased the Products had PLAINTIFF RABINOWITZ known that the Products contained  
21 ingredients that do not come from plants or minerals, or that the ingredients' original plant-based or  
22 mineral composition was materially altered through chemical modification and processing.  
23 PLAINTIFF RABINOWITZ continues to see the Products available for purchase and desires to  
24 purchase them again if the Plant-Based Representations were true. PLAINTIFF RABINOWITZ is,  
25 and continues to be, unable to rely on the truth of the Products' Plant-Based Representations.  
26 PLAINTIFF RABINOWITZ does not know the meaning or the import of the Products' ingredients,  
27 including whether the ingredients come from plants or minerals, or whether the ingredients' original  
28

1 plant-based or mineral composition has been materially altered by chemical modification and  
2 processing. The Products purchased by PLAINTIFF RABINOWITZ is typical of the labeling of the  
3 Products purchased by the members of the Class

4       5.       **Future Harm.** If the Products' ingredients were as represented, PLAINTIFFS would  
5 like to purchase the Products again in the future, despite the fact that the Products were once marred  
6 by false advertising and/or labeling. Therefore, PLAINTIFFS would reasonably, but incorrectly,  
7 assume the Products were improved (i.e. did not contain synthetic, non-natural ingredients). In that  
8 regard, PLAINTIFFS are average consumers who are not sophisticated in the chemistry,  
9 manufacturing, and formulation of skin care products, such as DEFENDANTS' Products.  
10 PLAINTIFF and reasonable consumers do not have the requisite knowledge to accurately  
11 differentiate between ingredients that are plant based and those that are synthetic or otherwise not  
12 plant-based. Accordingly, PLAINTIFFS are at risk of reasonably but incorrectly, assuming that  
13 DEFENDANTS fixed the formulation of the Products such that PLAINTIFFS may buy them again,  
14 believing they were no longer falsely advertised. PLAINTIFFS are, therefore, currently and in the  
15 future deprived of the ability to rely on the Plant-Based Representations.

16       6.       DEFENDANTS are corporations and/or limited liability companies. Defendant EO  
17 PRODUCTS, LLC is a Delaware limited liability company, that operates several well-known brands  
18 that purport to sell organic and/or natural products, including but not limited to the Products sold  
19 under the Everyone brand name.<sup>1</sup> Directly and through their agents, DEFENDANTS have  
20 substantial contacts with and receive substantial benefits and income from and through the state of  
21 California. DEFENDANTS are the owners, manufacturers, and distributors of the Products, and are  
22 the companies that created and authorized the false, misleading and deceptive labeling for the  
23 Products.

24       7.       DEFENDANTS and their agents manufactured, advertised, marketed, and sold the  
25 Products at issue in this jurisdiction and in this judicial district. The unfair, unlawful, deceptive, and  
26 misleading Plant Based Representations on the Products were prepared, authorized, ratified, and/or

27 \_\_\_\_\_  
28 <sup>1</sup>See <https://www.eoproducts.com/collections/everyone>. Last visited on September 30, 2022.

1 approved by DEFENDANTS and their agents, and accordingly, disseminated throughout the State  
 2 of California and the nation by DEFENDANTS and their agents in order to deceive and mislead  
 3 consumers into purchasing their Products.

#### 4 NATURE OF THE ACTION

5 8. **Synopsis.** In an effort to increase profits and to gain an unfair advantage over their  
 6 lawfully acting competitors, DEFENDANTS falsely and misleadingly label their products with the  
 7 following claims: “Made with plants,” “plant-based,” “plant-based moisturizers,” “made with  
 8 plants,” “made with plant extracts,” and/or “made with plant-based extracts” (hereinafter  
 9 collectively, “Plant-Based Representations” or “False Advertising Claims”). DEFENDANTS  
 10 reinforce the Plant-Based Representations on each Product by displaying images of plants, including  
 11 green leaves, and by using a green background on the label and/or using green font to make the  
 12 Plant-Based Representations.

13 9. In light of the Plant-Based Representations, reasonable consumers, including  
 14 PLAINTIFFS, believe the Products only contain ingredients that come from plants and/or from  
 15 plants and minerals and that are not subject to chemical modification or processing, which materially  
 16 alters the ingredients’ original plant-based composition. As such, reasonable consumers, including  
 17 PLAINTIFF, believe the Products only contain natural ingredients.

18 10. However, contrary to the labeling, the Products contain numerous ingredients that do  
 19 not come from plants or minerals whatsoever. In fact, some of the ingredients are animal based. In  
 20 addition to those ingredients that have nothing to do with plants, the Products contain numerous  
 21 ingredients that have been subjected to chemical modification or processing, which materially alters  
 22 the ingredients’ original plant-based composition.<sup>2</sup> Put differently, to create certain ingredients used  
 23 in the Products, plant-sourced ingredients are used but are then subjected to substantial chemical  
 24 modification and processing such that the resulting ingredient used in the Products is an entirely  
 25 new, synthetically created ingredient - one that is vastly and fundamentally different from the

26  
 27 <sup>2</sup>See, e.g., 7 U.S.C. § 6502 (21): “The term ‘synthetic’ means a substance that is formulated or manufactured by a  
 28 chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal  
or mineral sources[.]”

1 original plant-sourced ingredient. As such, the Plant-Based Representations are misleading and  
2 deceiving and therefore unlawful.

3 11. As a result, PLAINTIFFS bring this action individually and on behalf of those  
4 similarly situated to represent a National Class, a California Class, and an New York Class (defined  
5 below). PLAINTIFFS seek injunctive relief to stop DEFENDANTS' unlawful labeling and  
6 advertising of the Products, as PLAINTIFFS' primary litigation objective is to enjoin  
7 DEFENDANTS' unlawful labeling practices for the National Class, California Class, and New York  
8 Class.

### 9 **FACTUAL ALLEGATIONS**

#### 10 **A. Background**

11 12. **Background.** In recent years, consumers have poured billions<sup>3</sup> of dollars into the  
12 natural or plant-based skincare and/or cosmetic market. Consumers value natural products for  
13 numerous reasons, including but not limited to perceived benefits of avoiding diseases, attaining  
14 health and wellness, helping the environment, assisting local farmers, assisting factory workers who  
15 would otherwise be exposed to synthetic and hazardous substances, and financially supporting  
16 companies that share these values.

17 13. In response to consumers' desire for plant-based products, many companies,  
18 including DEFENDANTS, have scrambled to manufacture, market, and sell purportedly natural or  
19 "plant-based" products in an effort to gain market share. Unfortunately, rather than creating the  
20 plant-based products consumers desire, DEFENDANTS have chosen instead to market the Products  
21 through deceptive labeling and advertising in order to convince consumers the Products are plant-  
22 based when, in reality, they contain non-plant based, synthetic, and/or highly processed ingredients.

23 14. FTC Green Guides. In response to this consumer fraud, the United States Federal  
24 Trade Commission ("FTC") created the "Green Guides" to help companies avoid making  
25

26  
27 <sup>3</sup>See <https://www.forbes.com/sites/kristinlarson/2021/04/30/vegan-beauty--brands-like-typology-the-ordinary-luncaster-lead-the-way/?sh=2204efe62e0a>. Last visited on April 8, 2022.; See also  
28 <https://beautybusinessjournal.com/vegan-cosmetics-market/>. Last visited on April 8, 2022.

misleading and deceptive claims.<sup>4</sup>As relevant here, the FTC stated:

Marketers, nevertheless, are responsible for substantiating consumers' reasonable understanding of "biobased," and other similar claims, such as "plant-based," in the context of their advertisements.<sup>5</sup>

15. As explained supra, in light of the Plant-Based Representations, reasonable consumers, including PLAINTIFF, believe the Products only contain ingredients that come from plants and/or minerals, and that are not subject to chemical modification or processing, which materially alters the ingredients' original plant-based or mineral composition. Given the Products' numerous synthetic, non-natural, non-plant-based, and/or highly processed ingredients, the Products' labeling and marketing are misleading and deceptive and therefore unlawful.

**B. The Products' Misleading and Deceptive Labeling**

16. DEFENDANTS manufacture, market, promote, advertise, label, package, and sell a variety of personal and/or skincare and cosmetic products.

17. As described herein, DEFENDANTS falsely and misleadingly label the Products with the Plant-Based Representations. DEFENDANTS reinforce the Plant-Based Representation on each Product with the phrases "made with plants," "plant-based," "plant-based moisturizers," "made with plants," "made with plant extracts" and/or "made with plant-based extracts," as well as displaying images of plants, including flowers, green leaves and/or by using a green background color or using green color font.

18. The following images depict the Products under DEFENDANTS' Everyone brand name and include a list of the synthetic and/or non-plant-based ingredients. The following products are collectively referred to as the "Products":

<sup>4</sup>See generally 16 C.F.R. § 260 – Guides for the Use of Environmental Marketing Claims, available at <https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-issues-revised-green-guides/greenguidesstatement.pdf>

<sup>5</sup>*Id.* at p. 246 (emphasis added).



19. Unscented 2in1 Lotion



**Synthetic / Non-Plant Based Ingredients:**

Xanthan Gum, Sodium Phytate, Dimethicone, Citric Acid, Ethylhexylglycerin, Glycerin, Glyceryl Stearate, Caprylic/Capric Triglyceride, Cetearyl Glucoside, SorbitanOlivate, Stearyl Alcohol, Phenoxyethanol



20. Unscented 2in1 Lotion

**Synthetic / Non-Plant Based Ingredients:**

Xanthan Gum, Sodium Phytate, Dimethicone, Citric Acid, Ethylhexylglycerin, Glycerin, Glyceryl Stearate, Caprylic/Capric Triglyceride, Cetearyl Glucoside, SorbitanOlivate, Stearyl Alcohol, Phenoxyethanol



21. **Unscented 3in1 Soap**



**Synthetic / Non-Plant Based Ingredients:**

CocamidopropylHydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside, Glycerin, Citric Acid, Sodium Phytate, Benzyl Alcohol, Tocopherol

22. **Unscented Multipurpose Set**



**Synthetic / Non-Plant Based Ingredients:**

Glycerin, Glyceryl Stearate, Caprylic/Capric Triglyceride, Cetearyl Glucoside, Sorbitan Oliviate, Stearyl Alcohol, Tocopherol, Lecithin, Cetyl Alcohol, Xanthan Gum, Sodium Phytate, Dimethicone, Citric Acid,

Ethylhexylglycerin.

23. **Lavender Lullaby Kids 3in1 Soap**



**Synthetic / Non-Plant Based Ingredients:**

Glycerin, Citric Acid, Benzyl Alcohol, Limonene, Phenoxyethanol, Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside

24. **Tropical Coconut Kids 3in1 Soap**



**Synthetic / Non-Plant Based Ingredients:**

Glycerin, Citric Acid, Sodium Phytate, Phenoxyethanol, Benzyl Alcohol, Tocopherol, \*Limonene, Phenoxyethanol, Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside

25. **Berry Blast Kids 3in1 Soap**



**Synthetic / Non-Plant Based Ingredients:**

Glycerin, Citric Acid, Sodium Phytate, Benzyl Alcohol, Tocopherol, \*Limonene, Phenoxyethanol, Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside

26. **Orange Squeeze Kids 3in1 Soap**



**Synthetic / Non-Plant Based Ingredients:**

Benzaldehyde, Glycerin, Citric Acid, Sodium Phytate, Benzyl Alcohol, Tocopherol, \*Limonene, Phenoxyethanol, Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside

27. **Vanilla + Lavender Travel Size 2in1 Lotion**



**Synthetic / Non-Plant Based Ingredients:**

Xanthan Gum, Sodium Phytate, Dimethicone, Citric Acid, Benzyl Alcohol, \*Limonene, Glyceryl Stearate, Caprylic/Capric Triglyceride, Cetearyl Glucoside, Sorbitan Olivates, Stearyl Alcohol, Phenoxyethanol.

28. **Coconut + Lemon Travel Size 2in1 Lotion**



**Synthetic / Non-Plant Based Ingredients:**

Ethanol, Gamma Octalactone, Gamma Nonalactone, Heliotropine, Vanillin], Xanthan Gum, Sodium Phytate, Dimethicone, Citric Acid, Benzyl Alcohol, \*Limonene, Glycerin, Glyceryl Stearate, Caprylic/Capric Triglyceride, Cetearyl Glucoside, Sorbitan Olivates, Stearyl Alcohol, Phenoxyethanol.

29. **Lavender + Aloe 2in1 Lotion**



**Synthetic / Non-Plant Based Ingredients:**

Xanthan Gum, Sodium Phytate, Dimethicone, Citric Acid, Benzyl Alcohol, Glycerin, Glyceryl Stearate, Caprylic/Capric Triglyceride, Cetearyl Glucoside, Sorbitan Olivat, Stearyl Alcohol, Phenoxyethanol.

30. **Lavender + Aloe 2in1 Lotion**



**Synthetic / Non-Plant Based Ingredients:**

Xanthan Gum, Sodium Phytate, Dimethicone, Citric Acid, Benzyl Alcohol, Glycerin, Glyceryl Stearate, Caprylic/Capric Triglyceride, Cetearyl Glucoside, Sorbitan Olivat, Stearyl Alcohol, Phenoxyethanol

31. **Coconut + Lemon 2in1 Lotion**



**Synthetic / Non-Plant Based Ingredients:**

Ethanol, Gamma Octalactone, Gamma Nonalactone, Heliotropine, Vanillin], Xanthan Gum, Sodium Phytate, Dimethicone, Citric Acid, Benzyl Alcohol,\*Limonene, Glycerin, Glyceryl Stearate, Caprylic/Capric Triglyceride, Cetearyl Glucoside, Sorbitan Olivat, Stearyl Alcohol,Phenoxyethanol.

32. **Coconut + Lemon 2in1 Lotion**



**Synthetic / Non-Plant Based Ingredients:**

Ethanol, Gamma Octalactone, Gamma Nonalactone, Heliotropine, Vanillin], Xanthan Gum, Sodium Phytate, Dimethicone, Citric Acid, Benzyl Alcohol, \*Limonene, Glycerin, Glyceryl Stearate, Caprylic/Capric Triglyceride, Cetearyl Glucoside, Sorbitan Oliviate, Stearyl Alcohol, Phenoxyethanol.

**33. Citrus + Mint 2in1 Lotion**



**Synthetic / Non-Plant Based Ingredients:**

Xanthan Gum, Sodium Phytate, Dimethicone, Citric Acid, Benzyl Alcohol, \*Limonene, Glycerin, Glyceryl Stearate, Caprylic/Capric Triglyceride, Cetearyl Glucoside, Sorbitan Oliviate, Stearyl Alcohol, Phenoxyethanol.

**34. Vanilla + Lavender Travel Size 3in1 Soap**





**Synthetic / Non-Plant Based Ingredients:**

Glycerin, Citric Acid, Sodium Phytate, Benzyl Alcohol, Tocopherol,  
\*Limonene, Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate,  
Caprylyl/Capryl Glucoside, Sodium Chloride, Phenoxyethanol.

35. **Vanilla + Lavender Travel Size 3in1 Soap Case Pack of 12**



**Synthetic / Non-Plant Based Ingredients:**

Citric Acid, Sodium Phytate, Benzyl Alcohol, Tocopherol, Limonene\* ,  
Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl  
Glucoside, Sodium Chloride, Phenoxyethanol

36. **Coconut + Lemon Travel Size 3in1 Soap**



**Synthetic / Non-Plant Based Ingredients:**

Glycerin, Citric Acid, Sodium Phytate, Benzyl Alcohol, Tocopherol, Limonene\*, Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside, Sodium Chloride, Phenoxyethanol.

37. **Vanilla + Lavender 3in1 Soap**



**Synthetic / Non-Plant Based Ingredients:**

Glycerin, Citric Acid, Sodium Phytate, Benzyl Alcohol, Tocopherol, \*Limonene, Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside, Sodium Chloride, Phenoxyethanol.

38. **Citrus + Mint 3in1 Soap**



**Synthetic / Non-Plant Based Ingredients:**

Glycerin, Citric Acid, Sodium Phytate, Benzyl Alcohol, Tocopherol, Limonene\*, Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside, Sodium Chloride, Phenoxyethanol.

39. **Lavender + Aloe 3in1 Soap**



**Synthetic / Non-Plant Based Ingredients:**

Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside, Glycerin, Citric Acid, Sodium Phytate, Benzyl Alcohol, Tocopherol.

40. **Cedar + Citrus 3in1 Soap**



**Synthetic / Non-Plant Based Ingredients:**

Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside, Glycerin, Citric Acid, Sodium Phytate, Benzyl Alcohol, Tocopherol, \*Limonene.

41. **Coconut + Lemon 3in1 Soap**



**Synthetic / Non-Plant Based Ingredients:**

Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside, Ethanol, Gamma Octalactone, Gamma Nonalactone, Heliotropine, Vanillin, Glycerin, Citric Acid, Sodium Phytate, Benzyl Alcohol, Tocopherol, Limonene\*.

42. **Ruby Grapefruit 2in1 Lotion**



**Synthetic / Non-Plant Based Ingredients:**

Glycerin, Glyceryl Stearate, Caprylic/Capric Triglyceride, Cetearyl Glucoside, Sorbitan Oliviate, Stearyl Alcohol, Tocopherol, Lecithin, Cetyl Alcohol, Xanthan Gum, Sodium Phytate, Dimethicone, Citric Acid, Benzyl Alcohol, \*Limonene.

43. **Ruby Grapefruit 3in1 Soap**



**Synthetic / Non-Plant Based Ingredients:**

Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside, Glycerin, Citric Acid, Sodium Phytate, Benzyl Alcohol,

Tocopherol, Limonene\*.

44. **Lavender + Aloe 2in1 Lotion**



**Synthetic / Non-Plant Based Ingredients:**

Glycerin, Glyceryl Stearate, Caprylic/Capric Triglyceride, Cetearyl Glucoside, Sorbitan Olivat, Stearyl Alcohol, Tocopherol, Lecithin, Cetyl Alcohol, Xanthan Gum, Sodium Phytate, Dimethicone, Citric Acid, Benzyl Alcohol.

45. **Citrus + Mint 2in1 Lotion**



**Synthetic / Non-Plant Based Ingredients:**

Glycerin, Glyceryl Stearate, Caprylic/Capric Triglyceride, Cetearyl Glucoside, Sorbitan Olivat, Stearyl Alcohol, Tocopherol, Lecithin, Cetyl Alcohol, Xanthan Gum, Sodium Phytate, Dimethicone, Citric Acid, Benzyl

Alcohol,\*Limonene.

46. **Coconut + Lemon 2in1 Lotion**



**Synthetic / Non-Plant Based Ingredients:**

Glyceryl Stearate, Caprylic/Capric Triglyceride, Cetearyl Glucoside, Sorbitan Olivatate, Stearyl Alcohol, Ethanol, Gamma Octalactone, Gamma Nonalactone, Heliotropine, Vanillin, Xanthan Gum, Sodium Phytate, Dimethicone, Citric Acid, Benzyl Alcohol, \*Limonene.

47. **Ruby Grapefruit Hand Sanitizer Spray**





**Synthetic / Non-Plant Based Ingredients:**

Ethanol,†Glycerin, Limonene.

**48. Coconut + Lemon Hand Sanitizer Spray**



**Synthetic / Non-Plant Based Ingredients:**

Ethanol, †Gamma Octalactone, †Gamma Nonalactone, †Heliotropine, †Vanillin, ††Glycerin, \*Limonene.

**49. 6 Pack Lavender + Aloe Hand Sanitizer Spray**



**Synthetic / Non-Plant Based Ingredients:**

Glycerin

**50. 6 Pack Peppermint + Citrus Hand Sanitizer Spray**



**Synthetic / Non-Plant Based Ingredients:**

Glycerin, Limonene.

**51. 6 Pack Coconut + Lemon Hand Sanitizer Spray**



**Synthetic / Non-Plant Based Ingredients:**

Gamma Octalactone, Gamma Nonalactone, Heliotropine, Vanillin, Glycerin, Limonene.

**52. 6 Pack Ruby Grapefruit Hand Sanitizer Spray**



**Synthetic / Non-Plant Based Ingredients:**

Glycerin, Limonene.

**53. Lavender + Coconut Hand Soap Gallon**



**Synthetic / Non-Plant Based Ingredients:**

Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside, Ethanol, Gamma Octalactone, Gamma Nonalactone, Heliotropine, Vanillin, Glycerin, Citric Acid, Sodium Phytate, Phenoxyethanol, Benzyl Alcohol, Tocopherol, \*Limonene.

54. **Lavender + Coconut Hand Soap Refill Set**



**Synthetic / Non-Plant Based Ingredients:**

Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside, Ethanol, Gamma Octalactone, Gamma Nonalactone, Heliotropine, Vanillin, Glycerin, Citric Acid, Sodium Phytate, Phenoxyethanol, Benzyl Alcohol, Tocopherol, \*Limonene.

55. **Meyer Lemon + Mandarin Hand Soap Gallon**



**Synthetic / Non-Plant Based Ingredients:**

Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside, Glycerin, Citric Acid, Sodium Phytate, Phenoxyethanol, Benzyl Alcohol, Tocopherol, Limonene\*.

56. **Meyer Lemon + Mandarin Hand Soap Refill Set**



**Synthetic / Non-Plant Based Ingredients:**

Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside, Glycerin, Citric Acid, Sodium Phytate, Phenoxyethanol, Benzyl Alcohol, Tocopherol, Limonene\*

57. **Lavender + Coconut Hand Soap**



**Synthetic / Non-Plant Based Ingredients:**

Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside, Ethanol, Gamma Octalactone, Gamma Nonalactone, Heliotropine, Vanillin, Glycerin, Citric Acid, Sodium Phytate, Phenoxyethanol, Benzyl Alcohol, Potassium Sorbate, Tocopherol, \*Limonene.

58. **Spearmint + Lemongrass Hand Soap**



**Synthetic / Non-Plant Based Ingredients:**

Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside, Glycerin, Citric Acid, Sodium Phytate, Phenoxyethanol, Benzyl Alcohol, Tocopherol, \*Citral.

59. **Meyer Lemon + Mandarin Hand Soap**



**Synthetic / Non-Plant Based Ingredients:**

Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside, Glycerin, Citric Acid, Sodium Phytate, Phenoxyethanol, Benzyl Alcohol, Tocopherol, Limonene\*.

60. **Apricot + Vanilla Hand Soap**



**Synthetic / Non-Plant Based Ingredients:**

Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside, Linalol, Glycerin, Citric Acid, Sodium Phytate, Phenoxyethanol, Benzyl Alcohol, Tocopherol, \*Limonene.



61. **Ruby Grapefruit Hand Soap**



**Synthetic / Non-Plant Based Ingredients:**

Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside, Glycerin, Citric Acid, Sodium Phytate, Phenoxyethanol, Benzyl Alcohol, Tocopherol, Limonene\*.

62. **Lavender + Coconut Hand Soap 32 oz Refill**



**Synthetic / Non-Plant Based Ingredients:**

Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside, Ethanol, Gamma Octalactone, Gamma Nonalactone, Heliotropine, Vanillin, Glycerin, Citric Acid, Sodium Phytate, Phenoxyethanol, Benzyl Alcohol, Tocopherol, \*Limonene.

63. **Meyer Lemon + Mandarin Hand Soap 32 oz Refill**



**Synthetic / Non-Plant Based Ingredients:**

Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside, Glycerin, Citric Acid, Sodium Phytate, Phenoxyethanol, Benzyl Alcohol, Tocopherol, Limonene\*.

64. **Meyer Lemon + Mandarin Hand Soap 32 oz Refill Pouch**



**Synthetic / Non-Plant Based Ingredients:**

Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside, Glycerin, Citric Acid, Sodium Phytate, Phenoxyethanol, Benzyl Alcohol, Tocopherol, Limonene\*.

65. **Strawberry Lemonade Hand Soap**



**Synthetic / Non-Plant Based Ingredients:**

Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside, Glycerin, Citric Acid, Sodium Phytate, Phenoxyethanol, Benzyl Alcohol, Tocopherol, Limonene\*.

66. **Pacific Eucalyptus Hand Soap**



**Synthetic / Non-Plant Based Ingredients:**

Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside, Glycerin, Citric Acid, Sodium Phytate, Phenoxyethanol, Benzyl Alcohol, Tocopherol, \*Limonene.

67. **6 Pack Coconut + Lemon Resealable Hand Sanitizer Wipes**



**Synthetic / Non-Plant Based Ingredients:**

Ethanol, Gamma Octalactone, Gamma Nonalactone, Heliotropine, Vanillin, Glycerin, Limonene

68. **6 Pack Ruby Grapefruit Resealable Hand Sanitizer Wipes**



**Synthetic / Non-Plant Based Ingredients:**

Ethanol, Glycerin, Limonene.

69. **6 Pack Lavender + Aloe Resealable Hand Sanitizer Wipes**



**Synthetic / Non-Plant Based Ingredients:**

Ethanol, Glycerin.

70. **Coconut + Lemon Hand Sanitizer Wipe Singles 48ct**



**Synthetic / Non-Plant Based Ingredients:**

Ethanol, Gamma Octalactone, Gamma Nonalactone, Heliotropine, Vanillin, Glycerin, \*Limonene.

71. **Ruby Grapefruit Hand Sanitizer Wipe Singles 48ct**



**Synthetic / Non-Plant Based Ingredients:**

Ethanol, Glycerin, Limonene.

72. **Balance Sulfate-Free Conditioner**



**Synthetic / Non-Plant Based Ingredients:**

Glyceryl Stearate, Stearyl Alcohol, Cetyl Alcohol, Sodium Hyaluronate, Lecithin, Tocopherol, Sodium Phytate, Phenoxyethanol, Benzyl Alcohol.

73. **Balance Sulfate-Free Shampoo**



**Synthetic / Non-Plant Based Ingredients:**

Cocamidopropyl Hydroxysultaine, Glycerin, Caprylyl/Capryl Glucoside, Sodium Hyaluronate, Citric Acid, Sodium Phytate, Phenoxyethanol, Benzyl Alcohol, Tocopherol.

74. **Volume Sulfate-Free Conditioner**



**Synthetic / Non-Plant Based Ingredients:**

Glyceryl Stearate, Stearyl Alcohol, Cetyl Alcohol, Lecithin, Tocopherol, Sodium Phytate, Phenoxyethanol, Benzyl Alcohol.



75. **Volume Sulfate-Free Shampoo**



**Synthetic / Non-Plant Based Ingredients:**

Cocamidopropyl Hydroxysultaine, Glycerin, Caprylyl/Capryl Glucoside, Sodium Hyaluronate, Citric Acid, Sodium Phytate, Phenoxyethanol, Benzyl Alcohol, Tocopherol.

76. **Orange + Spices Hand Soap**



Case No. 4:22-cv-07618-JST

**Synthetic / Non-Plant Based Ingredients:**

Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside, Sodium Chloride, Coco-Glucoside, Panthenol, Glycerin, Citric Acid, Sodium Phytate, Phenoxyethanol, Benzyl Alcohol, Potassium Sorbate, Tocopherol, Limonene\*

77. **Winter Mint Holiday Hand Soap**



**Synthetic / Non-Plant Based Ingredients:**

Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside, Sodium Chloride, Coco-Glucoside, Panthenol, Citric Acid, Sodium Phytate, Phenoxyethanol, Benzyl Alcohol, Potassium Sorbate, Tocopherol

78. **Pacific + Eucalyptus 3in1 Soap**



**Synthetic / Non-Plant Based Ingredients:**

Cocamidopropyl Hydroxysultaine, Sodium Coco-Sulfate, Caprylyl/Capryl Glucoside, Sodium Chloride, Coco-Glucoside, Panthenol, Glycerin, Citric Acid, Sodium Phytate, Phenoxyethanol, Benzyl Alcohol, Potassium Sorbate, Tocopherol, \*Limonene

79. Despite the Plant-Based Representations, each of the Products is full of synthetic, non-plant-based, animal based, and/or highly processed ingredients. The Products contain numerous ingredients that do not come from plants, some of which come from animals, as well as ingredients that were subjected to chemical modification or processing, which materially altered the ingredients' original plant-based composition.

80. The following details the synthetic, non-plant-based, and highly processed

Case No. 4:22-cv-07618-JST

ingredients within the Products, collectively referred to as “Non-Plant-Based Ingredients” or “Synthetic Ingredients”:

81. **Non-Plant-Based Ingredients/ Synthetic Ingredients:**

- a. Allantoin - can be obtained from natural sources, however it is prepared synthetically for cosmetic use, either by oxidation of uric acid (found in cows, most mammals)<sup>6</sup>, reaction of dichloroacetic acid and urea, or condensation reaction between glyoxylic acid and urea.<sup>7</sup>
- b. Allyl Caproate - can naturally occur in potatoes or pineapples. However, companies synthesize this ingredient for industry use by reacting hexanoic acid and allyl alcohol.<sup>8</sup> Based on information and belief, DEFENDANTS chemically altered and/or processed the ingredient such that the resulting ingredient used in the Products is synthetic and no longer plant-based.
- c. Aminomethyl Propanol - an aromatic chemical, usually appearing as a clear or pale yellow liquid with a sweet fruity odor, reminiscent of pineapple with notes of chamomile and banana. It is generally synthesized for industry by reacting hexanoic acid (a fatty acid found in many plants) with allyl alcohol (an organic compound found in garlic).<sup>9</sup> Based on information and belief, DEFENDANTS chemically altered and/or processed the ingredient such that the resulting ingredient used in the Products is synthetic and no longer plant-based.
- d. Benzaldehyde - The vast majority of benzaldehyde in use is synthetic, though a small percentage is natural. Synthetic benzaldehyde is the flavoring agent in imitation almond extract.<sup>10</sup> Based on information and belief, DEFENDANTS chemically altered and/or processed the ingredient such that the resulting ingredient used in the Products is synthetic and no longer plant-based.
- e. Benzyl Alcohol – can be naturally occurring in plants but is also produced synthetically.<sup>11</sup> Based on information and belief, DEFENDANTS chemically

<sup>6</sup><https://www.peta.org/living/food/animal-ingredients-list/>

<sup>7</sup>[http://www.thecosmeticchemist.com/molecule\\_of\\_the\\_week/allantoin.html](http://www.thecosmeticchemist.com/molecule_of_the_week/allantoin.html)[http://www.thecosmeticchemist.com/molecule\\_of\\_the\\_week/allantoin.html](http://www.thecosmeticchemist.com/molecule_of_the_week/allantoin.html)

<sup>8</sup><https://pubchem.ncbi.nlm.nih.gov/compound/Hexanoic-acid><https://ecostore.com/nz/ingredients/used-with-care/allyl-caproate>

<sup>9</sup><https://ecostore.com/au/ingredients/used-with-care/allyl-caproate>

<sup>10</sup><https://www.ebi.ac.uk/chebi/searchId.do?chebiId=CHEBI:17169>

<sup>11</sup>[https://www.ewg.org/skindeep/ingredients/700697-benzyl\\_alcohol/](https://www.ewg.org/skindeep/ingredients/700697-benzyl_alcohol/)

altered and/or processed the ingredient such that the resulting ingredient used in the Products is synthetic and no longer plant-based.

- f. Caprylic/Capric Triglyceride - is a mixed triester of glycerin (see definition for “Glycerin”) and caprylic and capric acids.
- g. Caprylyl/Capryl Glucoside- while it’s technically made of natural components, the caprylic triglyceride used in products isn’t usually found in nature. It is a synthetic product made by reconstituting glycerin with fatty acids derived from Coconut and Palm Kernel Oil through chemical synthesis.<sup>12</sup>
- h. Carbomer - is a synthetic skin care ingredient used primarily to create gel-like formulations.<sup>13</sup>
- i. Ceramide-3– while it can be natural, when used in cosmetic and personal care field it is generally synthetic. Ceramides can also be derived from animal and human skin - these ceramides contain both properties.<sup>14</sup> Based on information and belief, DEFENDANTS chemically altered and/or processed the ingredient such that the resulting ingredient used in the Products is synthetic and no longer plant-based.
- j. Cetyl Alcohol - can be derived from plants or animals.<sup>15</sup> Based on information and belief, DEFENDANTS chemically altered and/or processed the ingredient such that the resulting ingredient used in the Products is synthetic and no longer plant-based, or utilized a non-plant-based version of this ingredient.
- k. Cetearyl Alcohol - can be derived from synthetic or vegetable sources.<sup>16</sup> Based on information and belief, DEFENDANTS chemically altered and/or processed the ingredient such that the resulting ingredient used in the Products

<sup>12</sup><https://www.healthline.com/health/caprylic-capric-triglyceride#:~:text=While%20it's%20technically%20made%20of,can%20be%20added%20to%20products.>

<sup>13</sup><https://www.paulaschoice.com/ingredients/ingredient-carbomer.html>

<sup>14</sup><https://www.truthinaging.com/ingredients/carbomer>

<sup>15</sup><https://www.sciencedirect.com/topics/chemical-engineering/ceramides#:~:text=Though%20plants%20and%20animals%20are,derivatives%20are%20present%20in%20market.>

<sup>16</sup>[https://www.ewg.org/skindeep/ingredients/701263-CETYL\\_ALCOHOL/](https://www.ewg.org/skindeep/ingredients/701263-CETYL_ALCOHOL/)

<sup>16</sup>[https://www.ewg.org/skindeep/ingredients/701263-CETYL\\_ALCOHOL/](https://www.ewg.org/skindeep/ingredients/701263-CETYL_ALCOHOL/)

is synthetic and no longer plant-based, or utilized a non-plant-based version of this ingredient.

1. Cetearyl Glucoside - is a surfactant and emulsifier produced from natural or synthetic ingredients.<sup>17</sup> It is a blend of cetearyl alcohol (see definition for “Cetearyl Alcohol”) and glucose.<sup>18</sup>
- m. CetearylOlivat- is composed of cetearyl alcohol (see definition of “Cetearyl Alcohol”) and fatty acids derived from olive oil.<sup>19</sup>
- n. Citric Acid - can be naturally derived but is mostly synthetically produced using a multi-step chemical reaction and microbial fermentation process involving bacteria.<sup>20</sup>Based on information and belief, DEFENDANTS chemically altered and/or processed the ingredient such that the resulting ingredient used in the Products is synthetic and no longer plant-based.
- o. Citral - is a scent ingredient naturally occurring in plants but manufactured synthetically on a large scale.<sup>21</sup>Based on information and belief, DEFENDANTS chemically altered and/or processed the ingredient such that the resulting ingredient used in the Products is synthetic and no longer plant-based.
- p. Cocamidopropyl Hydroxysultaine - is a synthetic skin and hair conditioning agent.<sup>22</sup>
- q. Coco-Caprylate/Caprate - may be plant derived or synthetic.<sup>23</sup> Based on information and belief, DEFENDANTS chemically altered and/or processed the ingredient such that the resulting ingredient used in the Products is synthetic and no longer plant-based.
- r. Dimethicone – is a synthetically-derived polymer.<sup>24</sup>
- s. Ethanol – can occur naturally or be made synthetically.<sup>25</sup> Based on information and belief, DEFENDANTS chemically altered and/or processed the ingredient

<sup>17</sup>[https://www.ewg.org/skindeep/ingredients/701241-CETEARYL\\_GLUCOSIDE/](https://www.ewg.org/skindeep/ingredients/701241-CETEARYL_GLUCOSIDE/)

<sup>18</sup><https://www.paulaschoice.com/ingredients/ingredient-cetearyl-glucoside.html>

<sup>19</sup>[https://www.ewg.org/skindeep/ingredients/701245-cetearyl-olivate-CETEARYL\\_OLIVATE/](https://www.ewg.org/skindeep/ingredients/701245-cetearyl-olivate-CETEARYL_OLIVATE/)

<sup>20</sup><https://www.tandfonline.com/doi/full/10.1080/21553769.2015.1033653>

<sup>21</sup><https://thederreview.com/sodium-citrate/>

<sup>22</sup><https://www.ewg.org/skindeep/ingredients/701383-citral/>

<sup>23</sup>[https://www.ewg.org/skindeep/ingredients/701523-COCAMIDOPROPYL\\_HYDROXYSULTAINE/](https://www.ewg.org/skindeep/ingredients/701523-COCAMIDOPROPYL_HYDROXYSULTAINE/)

<sup>24</sup><https://www.paulaschoice.com/ingredients/ingredient-coco-caprylate.html>

<sup>25</sup><https://thederreview.com/dimethicone/>

<sup>26</sup><https://www.betalabservices.com/biofuels/synthetic-ethanol.html>

such that the resulting ingredient used in the Products is synthetic and no longer plant-based.

- t. Ethylhexylglycerin - is a synthetic ingredient created by a condensation reaction between two different chemicals.<sup>26</sup>
- u. Gamma Nonalactone - a food additive permitted for direct addition to food for human consumption as a synthetic flavoring substance and adjuvant. It is a synthetic flavoring agent that is a colorless to yellow liquid of strong, coconut-like odor.<sup>27</sup>
- v. Gamma Octalactone - a synthetic flavoring agent that is a stable, colorless to slightly yellow liquid of peach odor.<sup>28</sup>
- w. Glycerin - a naturally occurring alcohol compound and a component of many lipids. Glycerin may be of animal or vegetable origin. This ingredient is listed in the PETA's Caring Consumer guide as a byproduct of soap manufacture which typically uses animal fat.<sup>29</sup> Based on information and belief, DEFENDANTS chemically altered and/or processed the ingredient such that the resulting ingredient used in the Products is synthetic and no longer plant-based, or utilized a non-plant-based version of this ingredient.
- x. Glyceryl Caprylate – is a monoester of glycerin (see definition for “Glycerin”) and caprylic acid.<sup>30</sup>
- y. Glyceryl Stearate - is made by reacting glycerin (see definition of “Glycerin”) with stearic acid (see definition of “Stearic Acid”).<sup>31</sup>
- z. Glyceryl Undecylenate - synthetic ingredient used for skin conditioning as an emollient and as an emulsifier.
- aa. Heliotropine - is derived from plant sources but prepared synthetically for cosmetic use.<sup>32</sup> Based on information and belief, DEFENDANTS chemically altered and/or processed the ingredient such that the resulting ingredient used in the Products is synthetic and no longer plant-based.
- bb. Hydroxypropyl Starch Phosphate - a lightweight, plant-based or synthetic starch ingredient that functions as a texture enhancer in cosmetics.<sup>33</sup>
- cc. Lecithin - can be animal derived; it is a naturally occurring lipid found in both plants and animals. According to the PETA's Caring Consumer guide, lecithin

<sup>26</sup><https://www.paulaschoice.com/ingredient-dictionary/miscellaneous/ethylhexylglycerin.html>

<sup>27</sup><https://pubchem.ncbi.nlm.nih.gov/compound/Gamma-nonalactone>

<sup>28</sup>[https://www.chemicalbook.com/ProductChemicalPropertiesCB4424482\\_EN.htm](https://www.chemicalbook.com/ProductChemicalPropertiesCB4424482_EN.htm)

<sup>29</sup><https://www.ewg.org/skindeep/ingredients/702620-GLYCERIN/>

<sup>30</sup>[https://www.ewg.org/skindeep/ingredients/702630-GLYCERYL\\_CAPRYLATE/](https://www.ewg.org/skindeep/ingredients/702630-GLYCERYL_CAPRYLATE/)

<sup>31</sup><https://www.cosmeticsinfo.org/ingredients/glyceryl-stearate/>

<sup>32</sup><http://www.thegoodscentscompany.com/data/rw1005891.html>

<sup>33</sup><https://www.paulaschoice.com/ingredients/ingredient-hydroxypropyl-starch-phosphate.html>



for commercial purposes is most commonly obtained from eggs and soybeans.<sup>34</sup>

- dd. Limonene - can be chemically synthesized, such as for fragrance formulations. In chemical synthesis, limonene can be produced as either R-limonene or S-limonene, or as a mixture of enantiomers. Based on information and belief, DEFENDANTS chemically altered and/or processed the ingredient such that the resulting ingredient used in the Products is synthetic and no longer plant-based.<sup>35</sup>
- ee. Linalool - a common synthetic aroma ingredient with intense floral, lavender and sweet notes at room temperature. It is used as a scent in 60–80% of perfumed hygiene products including soaps, detergents, shampoos, and lotions. It also finds applications in the formulation of aftershave lotions, skin care, hair care products, cosmetics, home care and laundry care. Linalool comes as clear, colorless liquid.<sup>36</sup>
- ff. Maltodextrin is an artificial substance produced by the process of hydrolysis of otherwise natural starches (mostly wheat, corn, rice). Thus, it's a highly processed product.<sup>37</sup>
- gg. Panthenol is an alcohol derivative of pantothenic acid. Pantothenic acid is often manufactured from animal sources.<sup>38</sup>
- hh. Phenoxyethanol is a preservative used in cosmetics and personal care products.<sup>39</sup> It occurs naturally in green tea but is synthetically made for industry use.<sup>40</sup>
- ii. Potassium Sorbate is made synthetically. Sorbic acid is blended with potassium hydroxide in equimolar portions and recrystallized with aqueous ethylene hydroxide to form potassium sorbate.<sup>41</sup>
- jj. Sodium Coco-Sulfate - a synthetic surfactant that creates lots of foamy lather and removes oil and grease. Sodium coco sulfate contains SLS as a predominant component. Both sodium coco sulfate and SLS are synthetic

<sup>34</sup><https://www.ewg.org/skindeep/ingredients/703513-LECITHIN/>

<sup>35</sup>[https://www.researchgate.net/publication/355154982\\_Limonene\\_Emissions\\_Do\\_Different\\_Types\\_Have\\_Different\\_Biological\\_Effects](https://www.researchgate.net/publication/355154982_Limonene_Emissions_Do_Different_Types_Have_Different_Biological_Effects)

<sup>36</sup>[https://healthis-choice.com/ms/qa/page=872367aa094510a796bb62e5ca353fbf\\_qa](https://healthis-choice.com/ms/qa/page=872367aa094510a796bb62e5ca353fbf_qa)

<sup>37</sup><https://www.anapur.eu/en/maltodextrin-and-its-influence-on-our-health/>

<sup>38</sup><https://www.medicalnewstoday.com/articles/panthenol>

<sup>39</sup><https://www.ewg.org/skindeep/ingredients/704811-PHENOXYETHANOL-PHENOXYETHANOL/>

<sup>40</sup><https://www.hellonaturalliving.com/what-is-phenoxyethanol-2/>

<https://puracy.com/blogs/ingredients/phenoxyethanol>

<sup>41</sup><https://www.ams.usda.gov/sites/default/files/media/P%20Sor%20technical%20advisory%20panel%20report.pdf>



detergents. Although the marketing term 'coco sulfate' is used to indicate it is derived from coconut oil it is also made from palm oil.<sup>42</sup>

- kk. Sodium Hyaluronate - the sodium salt of hyaluronic acid, a naturally occurring polysaccharide found in connective tissues such as cartilage. It is listed in PETA's Caring Consumer guide as derived from animal sources.<sup>43</sup>
- ll. Sodium hydroxide – an inorganic base<sup>44</sup> that listed as being “synthetic” under 7 C.F.R. § 205.605. According to 7 U.S.C. § 6502 (21), ‘synthetic’ means “a substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources[.]”
- mm. Sodium Levulinate - the salt of levulinic acid, a synthetic organic acid that helps condition and soften skin.<sup>45</sup>
- nn. Sodium Riboflavin Phosphate - is an ester of Riboflavin and Sodium Phosphate.<sup>46</sup> Sodium phosphate - is an inorganic salt<sup>47</sup> that is listed as being “synthetic” under 7 C.F.R. § 205.605. According to 7 U.S.C. § 6502 (21), ‘synthetic’ means “a substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources[.]”
- oo. Sodium Phytate - a salt (sodium) from the phytic acid derived from rice. As an effective antioxidant and natural chelator, Sodium Phytate helps preserve the freshness and quality of the products. It also acts to boost the preservation system.
- pp. Sodium Phytate - a complex sodium salt of phytic acid.<sup>48</sup> Based on information and belief, sodium phytate is synthetically made.<sup>49</sup>
- qq. Sorbitan Stearate - is a synthetic ester that is commonly used in the manufacture of food and health care products as a surfactant with emulsifying, dispersing, and wetting properties. It's derived from sorbitol, which is plant-derived, and stearic acid, which may be animal-derived.<sup>50</sup>
- rr. Stearic acid - a naturally occurring fatty acid listed in PETA's Caring Consumer guide as a substance of animal origin, since it is primarily derived

<sup>42</sup><https://www.chagrinvaleysoapandsalve.com/blog/posts/sodium-coco-sulfate-is-it-natural/>;

<sup>43</sup><https://www.hebebotanicals.co.nz/sodium-coco-sulfate-another-synthetic-detergent/#:~:text=Both%20sodium%20coco%20sulfate%20and,list%20of%20other%20synthetic%20detergents.>

<sup>44</sup>[https://www.ewg.org/skindeep/ingredients/706071-SODIUM\\_HYALURONATE/](https://www.ewg.org/skindeep/ingredients/706071-SODIUM_HYALURONATE/)

<sup>45</sup>[https://www.ewg.org/skindeep/ingredients/706075-SODIUM\\_HYDROXIDE/](https://www.ewg.org/skindeep/ingredients/706075-SODIUM_HYDROXIDE/)

<sup>46</sup>[https://thegoodfaceproject.com/ingredients/sodium\\_levulinate](https://thegoodfaceproject.com/ingredients/sodium_levulinate)

<sup>47</sup>[https://www.ewg.org/skindeep/ingredients/706174-SODIUM\\_RIBOFLAVIN\\_PHOSPHATE/](https://www.ewg.org/skindeep/ingredients/706174-SODIUM_RIBOFLAVIN_PHOSPHATE/)

<sup>48</sup>[https://www.ewg.org/skindeep/ingredients/706158-SODIUM\\_PHOSPHATE/](https://www.ewg.org/skindeep/ingredients/706158-SODIUM_PHOSPHATE/)

<sup>49</sup>[https://www.ewg.org/skindeep/ingredients/723889-SODIUM\\_PHYTATE/](https://www.ewg.org/skindeep/ingredients/723889-SODIUM_PHYTATE/)

<sup>50</sup><https://www.paulaschoice.com/ingredients/ingredient-sodium-phytate.html>

<sup>50</sup><https://foodb.ca/compounds/FDB001123>

from rendered fat of farm and domestic animals.<sup>51</sup>

ss. Sorbitan Olivate - a surfactant based on olive oil and sorbitol<sup>52</sup> which can be naturally occurring or synthetically made.<sup>53</sup> Based on information and belief, this ingredient is synthetic.

tt. Stearyl Alcohol - a compound produced from stearic acid. See definition for “Stearic Acid.”<sup>54</sup>

uu. Tocopherol - Many supplements use synthetic alpha-tocopherol, which can be made from cheap petrochemicals. The synthetic form is racemic, an even mixture of stereoisomers, referred to as dl-alpha-tocopherol.<sup>55</sup>

vv. Vanillin - can be naturally occurring or synthetically produced.<sup>56</sup> Most vanillin today is synthetically produced.<sup>57</sup>

ww. Xanthan Gum – used a viscosity agent in personal care products and foods.<sup>58</sup> It is a sugar-based polymer produced by bacteria. Id. Xanthan gum is also listed as being “synthetic” under 7 C.F.R. § 205.605. According to 7 U.S.C. § 6502 (21), ‘synthetic’ means “a substance that is formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources[.]”

#### **C. DEFENDANTS Misled PLAINTIFFS and Reasonable Consumers, Who Relied on the Material and False Advertising Claims to their Detriment**

82. **Material.** The False Advertising Claims were and are material to reasonable consumers, including PLAINTIFFS, in deciding to purchase the Products.

83. **Reliance.** PLAINTIFFS and reasonable consumers relied and continue to rely on DEFENDANTS’ False Advertising Claims in making the decision to purchase the Products.

84. **Consumers Lack Knowledge of Falsity.** At the time PLAINTIFFS and reasonable consumers purchased the Products, they did not know, and had no reason to know, that the Products’

<sup>51</sup>[https://www.ewg.org/skindeep/ingredients/706311-STEARIC\\_ACID](https://www.ewg.org/skindeep/ingredients/706311-STEARIC_ACID)

<sup>52</sup>[https://www.ewg.org/skindeep/ingredients/706231-SORBITAN\\_OLIVATE/](https://www.ewg.org/skindeep/ingredients/706231-SORBITAN_OLIVATE/)

<sup>53</sup><https://www.skincarelab.org/sorbitan-olivate/>

<sup>54</sup>[https://www.ewg.org/skindeep/ingredients/706325-STEARYL\\_ALCOHOL/](https://www.ewg.org/skindeep/ingredients/706325-STEARYL_ALCOHOL/)

<sup>55</sup><https://www.betalabservices.com/natural-or-synthetic-vitamin-e/>

<sup>56</sup><https://www.sciencedirect.com/topics/pharmacology-toxicology-and-pharmaceutical-science/vanillin#:~:text=Abstract,important%20drugs%20and%20other%20products;https://pubchem.ncbi.nlm.nih.gov/compound/Vanillin#section=Household-Products>

<sup>57</sup><https://www.liberate-project.eu/what-is-vanillin-and-where-does-it-come-from/>

<sup>58</sup>[https://www.ewg.org/skindeep/ingredients/706998-XANTHAN\\_GUM/](https://www.ewg.org/skindeep/ingredients/706998-XANTHAN_GUM/)

1 Plant-Based Representations on the label were false, misleading, deceptive, and unlawful as set forth  
2 herein.

3 85. **Misrepresentation/Omission.** The Plant-Based Representations materially  
4 misrepresented that the Products only contain ingredients that come from plants, and/or that are not  
5 subjected to chemical modification or processing, which materially altered the ingredients' original  
6 plant-based composition.

7 86. **DEFENDANTS' Knowledge.** DEFENDANTS knew, or should have known, that  
8 the Plant-Based Representations were false, misleading, deceptive, and unlawful, at the time that  
9 they advertised the Products and intentionally and deliberately placed the Plant-Based  
10 Representations on the Products' labeling and packaging.

11 87. **Detriment.** PLAINTIFFS and reasonable consumers would not have purchased the  
12 Products, or would have purchased the Products on different terms, if they had known the truth—  
13 that the Plant-Based Representations are false and the Products contain non-natural, non-plant  
14 based, synthetic, and highly processed ingredients. Accordingly, based on DEFENDANTS' material  
15 misrepresentations and omissions, reasonable consumers, including PLAINTIFFS, purchased the  
16 Products to their detriment.

17 **D. The Products Are Substantially Similar**

18 88. As described above, PLAINTIFFS purchased DEFENDANTS' Products  
19 ("Purchased Product"). The additional products listed above ("Unpurchased Products") are  
20 substantially similar to the Purchased Product.

21 a. **DEFENDANTS.** All Products are manufactured, sold, marketed, advertised,  
22 labeled, and packaged by DEFENDANTS.

23 b. **Brand.** All Products are sold under the same brand name - Everyone - a brand  
24 marketed as selling plant-based products with 100% natural and plant-based  
25 ingredients.<sup>59</sup>

26 c. **Marketing Demographics.** All Products are marketed directly to consumers for  
27

28 <sup>59</sup><https://www.eoproducts.com/pages/about-us>. Last visited on May 25, 2022.

personal use.

d. **Purpose.** All products are cleaning products.

e. **False Advertising Claims.** All Products contain one or more of the Plant-Based Representations on the Products' labeling and packaging. In addition, all Products display the phrase "plant-based" in green font on the front label in order to focus the consumer's attention on the Plant-Based Representations.

f. **Nature-Themed Imagery, Coloring, and Additional Representations.** In addition, DEFENDANTS reinforce the Plant-Based Representation on each Product by displaying images of plants, including green leaves, and by using a green background on the label and/or using green font to make the Plant-Based Representations.

g. DEFENDANTS also reinforce the Plant-Based Representation on each Product through the following labeling statements:

- i. "Made with plants"
- ii. "Plant-Based"
- iii. "Plant-Based Moisturizers"
- iv. "Made with plant extracts"

h. **Key Ingredients.** All Products contain non-plant-based, chemically modified, and highly processed ingredients, in overlapping combinations. The Purchased Product contains non-natural ingredients that are found in the Unpurchased Products.

i. **Misleading Effect.** The misleading effect of the Products' labels is the same for all products.

### **CLASS ACTION ALLEGATIONS**

89. **Class Definition.** PLAINTIFFS brings this action as a class action pursuant to Federal Rules of Civil Procedure 23(b)(2) and 23(b)(3) on behalf of PLAINTIFFS and all others similarly situated, and as members of the Classes defined as follows:

All residents of California who, within four years prior to October 5,

2022, purchased the Products (“California Class”).

and

All persons who, within three years prior to October 5, 2022,

purchased the Products in New York (“New York Class”).

The “California Class” and “New York Class” are collectively referred to herein as the “Class.”

90. **Class Definition Exclusions.** Excluded from the Class are: (i) DEFENDANTS, their assigns, successors, and legal representatives; (ii) any entities in which DEFENDANTS have controlling interests; (iii) federal, state, and/or local governments, including, but not limited to, their departments, agencies, divisions, bureaus, boards, sections, groups, counsels, and/or subdivisions; (iv) all persons presently in bankruptcy proceedings or who obtained a bankruptcy discharge in the last three years; and (v) any judicial officer presiding over this matter and person within the third degree of consanguinity to such judicial officer.

91. **Reservation of Rights to Amend the Class Definition.** PLAINTIFFS reserve the right to amend or otherwise alter the class definitions presented to the Court at the appropriate time in response to facts learned through discovery, legal arguments advanced by DEFENDANTS, or otherwise.

92. **Numerosity.** Members of the Class are so numerous that joinder of all members is impracticable. Upon information and belief, the Class consists of tens of thousands of purchasers (if not more) dispersed throughout the United States. Accordingly, it would be impracticable to join all members of the Class before the Court.

93. **Common Questions Predominate.** There are numerous and substantial questions of law or fact common to all members of the Class that predominate over any individual issues. Included within the common questions of law or fact are:

a. Whether DEFENDANTS’ conduct constitutes an unfair method of composition, or unfair or deceptive act or practice, in violation of California Civil Code section 1750, *et. seq.*

b. Whether DEFENDANTS used deceptive representations in connection with the sale

1 of the Products in violation of California Civil Code section 1750, *et seq.*;

2 c. Whether DEFENDANTS represented that the Products have characteristics or  
3 quantities that they do not have in violation of California Civil Code section 1750, *et*  
4 *seq.*;

5 d. Whether DEFENDANTS advertised the Products with intent not to sell them as  
6 advertised in violation of California Civil Code section 1750, *et seq.*;

7 e. Whether DEFENDANTS' labeling and advertising of the Products are untrue or  
8 misleading in violation of California Business and Professions Code section 17500,  
9 *et seq.*

10 f. Whether DEFENDANTS knew or by the exercise of reasonable care should have  
11 known its labeling and advertising was and is untrue or misleading in violation of  
12 California Business and Professions Code section 17500, *et seq.*;

13 g. Whether DEFENDANTS' conduct is an unfair business practice within the meaning  
14 of California Business and Professions Code section 17200, *et seq.*;

15 h. Whether DEFENDANTS' conduct is a fraudulent business practice within the  
16 meaning of California Business and Professions Code section 17200, *et seq.*;

17 i. Whether DEFENDANTS' conduct is an unlawful business practice within the  
18 meaning of California Business and Professions Code section 17200, *et seq.*;

19 j. Whether DEFENDANTS conduct constitutes breach of express warranty;

20 k. Whether PLAINTIFFS and the Class are entitled to injunctive relief; and

21 l. Whether DEFENDANTS were unjustly enriched by its unlawful conduct.

22 94. **Typicality.** PLAINTIFFS' claims are typical of the claims of the Class Members  
23 PLAINTIFFS seek to represent because PLAINTIFFS, like the Class Members, purchased  
24 DEFENDANTS' misleading and deceptive Products. DEFENDANTS' unlawful, unfair, and/or  
25 fraudulent actions concern the same business practices described herein irrespective of where they  
26 occurred or were experienced. PLAINTIFFS and the Class sustained similar injuries arising out of  
27 DEFENDANTS' conduct. PLAINTIFFS' and Class Members' claims arise from the same practices  
28

1 and course of conduct and are based on the same legal theories.

2       95.     **Adequacy.** PLAINTIFFS are adequate representatives of the Classes PLAINTIFFS  
3 seek to represent because PLAINTIFFS' interests do not conflict with the interests of the Class  
4 Members. PLAINTIFFS will fairly and adequately protect Class Members' interests and has  
5 retained counsel experienced and competent in the prosecution of complex class actions.

6       96.     **Superiority and Substantial Benefit.** A class action is superior to other methods for  
7 the fair and efficient adjudication of this controversy, since individual joinder of all members of the  
8 Class is impracticable and no other group method of adjudication of all claims asserted herein is  
9 more efficient and manageable for at least the following reasons:

- 10           a. The claims presented in this case predominate over any questions of law or fact, if  
11 any exist at all, affecting any individual member of the Class;
- 12           b. Absent a Class, the members of the Class will continue to suffer damage and  
13 Defendant's unlawful conduct will continue without remedy while DEFENDANTS  
14 profit from and enjoys its ill-gotten gains;
- 15           c. Given the size of individual Class Members' claims, few, if any, Class Members  
16 could afford to or would seek legal redress individually for the wrongs  
17 DEFENDANTS committed against them, and absent Class Members have no  
18 substantial interest in individually controlling the prosecution of individual actions;
- 19           d. When the liability of DEFENDANTS has been adjudicated, claims of all members  
20 of the Class can be administered efficiently and/or determined uniformly by the  
21 Court; and
- 22           e. This action presents no difficulty that would impede its management by the Court as  
23 a class action, which is the best available means by which PLAINTIFFS and Class  
24 Members can seek redress for the harm caused to them by DEFENDANTS.

25       97.     **Inconsistent Rulings.** Because PLAINTIFFS seek relief for all members of the  
26 Class, the prosecution of separate actions by individual members would create a risk of inconsistent  
27 or varying adjudications with respect to individual members of the Class, which would establish  
28



99. **Manageability.** PLAINTIFFS and PLAINTIFFS' counsel are unaware of any difficulties that are likely to be encountered in the management of this action that would preclude its maintenance as a class action.

**(On Behalf of Plaintiff Moore and the California Class Against All DEFENDANTS)**

101. This cause of action is brought pursuant to California Business and Professions Code Section 17200, *et seq.*, on behalf of PLAINTIFF MOORE and a California Class who purchased the Products within the applicable statute of limitations.

103. DEFENDANTS' labeling and advertising of the Products led—and continues to lead—reasonable consumers, including PLAINTIFF MOORE, to believe that the Products only contain ingredients that come from plants and that were not subjected to chemical modification or



1 processing which materially altered the ingredients' original plant-based composition, and/or that  
2 are not synthetic and/or that are not animal-derived. As such, reasonable consumers, including  
3 PLAINTIFF MOORE, believe the Products only contain plant based or 100% vegetarian  
4 ingredients.

5 104. DEFENDANTS' conduct, as alleged herein, constitutes unfair, unlawful, and  
6 fraudulent business practices pursuant to California Business & Professions Code sections 17200,  
7 *et seq.* (the "UCL").

8 105. The UCL prohibits unfair competition and provides, in pertinent part: "Unfair  
9 competition shall mean and include unlawful, unfair or fraudulent business practices and unfair,  
10 deceptive, untrue or misleading advertising[.]"

11 106. In addition, DEFENDANTS' use of various forms of media to advertise, call  
12 attention to, or give publicity to the sale of goods or merchandise that are not as represented  
13 constitutes unfair competition, unfair, deceptive, untrue or misleading advertising, and an unlawful  
14 business practice within the meaning of Business and Professions Code sections 17200 and 17531,  
15 which advertisements have deceived and are likely to deceive the consuming public, in violation of  
16 Business and Professions Code Section 17200.

17 107. DEFENDANTS failed to avail themselves of reasonably available, lawful  
18 alternatives to further its legitimate business interests.

19 108. All of the conduct alleged herein occurred and continues to occur in DEFENDANTS'  
20 business. DEFENDANTS' wrongful conduct is part of a pattern, practice, and/or generalized course  
21 of conduct, which will continue on a daily basis until DEFENDANTS voluntarily alter their conduct  
22 or is otherwise ordered to do so.

23 109. Pursuant to Business and Professions Code sections 17203 and 17535, PLAINTIFF  
24 MOORE and the members of the California Class seek an order of this Court enjoining  
25 DEFENDANTS from continuing to engage, use, or employ their practices of labeling and  
26 advertising the sale and use of the Products. Likewise, PLAINTIFF MOORE and the members of  
27 the California Class seek an order requiring DEFENDANTS to disclose such misrepresentations,  
28

1 and to preclude DEFENDANTS' failure to disclose the existence and significance of said  
2 misrepresentations.

3 110. PLAINTIFF MOORE and the California Class have suffered injury in fact and have  
4 lost money or property as a result of and in reliance upon DEFENDANTS' false representations.

5 111. PLAINTIFF MOORE and the California Class would not have purchased the  
6 Products but for the Plant-Based Representations.

7 112. DEFENDANTS' unfair, fraudulent, and unlawful conduct described herein  
8 constitutes malicious, oppressive, and/or fraudulent conduct warranting an award of punitive  
9 damages as permitted by law. DEFENDANTS' misconduct is malicious as DEFENDANTS acted  
10 with the intent to cause PLAINTIFF and consumers to pay for Products that they were not, in fact,  
11 receiving. DEFENDANTS willfully and knowingly disregarded the rights of PLAINTIFF MOORE  
12 and consumers as DEFENDANTS were, at all times, aware of the probable dangerous consequences  
13 of their conduct and deliberately failed to avoid misleading consumers, including PLAINTIFF  
14 MOORE. DEFENDANTS' misconduct is oppressive as, at all relevant times, said conduct was so  
15 vile, base, and/or contemptible that reasonable people would look down upon it and/or otherwise  
16 would despise such corporate misconduct. Said misconduct subjected PLAINTIFF MOORE and  
17 consumers to cruel and unjust hardship in knowing disregard of their rights. DEFENDANTS'  
18 misconduct is fraudulent as DEFENDANTS intentionally misrepresented and/or concealed material  
19 facts with the intent to deceive PLAINTIFF MOORE and consumers. The wrongful conduct  
20 constituting malice, oppression, and/or fraud was committed, authorized, adopted, approved, and/or  
21 ratified by officers, directors, and/or managing agents of DEFENDANTS.

22 **A. "Unfair Prong"**

23 113. Under California's Unfair Competition Law, Cal. Bus. & Prof. Code Section 17200  
24 *et seq.*, a challenged activity is "unfair" when "any injury it causes outweighs any benefits provided  
25 to consumers and the injury is one that the consumers themselves could not reasonably avoid."  
26 *Camacho v. Auto Club of Southern California*, 142 Cal.App.4th 1394, 1403 (2006).

27 114. DEFENDANTS' action of mislabeling the Products with the Plant-Based  
28

1 Representations does not confer any benefit to consumers; rather, doing so causes injuries to  
2 consumers, who do not receive products commensurate with their reasonable expectations, overpay  
3 for the Products, and receive Products of lesser standards than what they reasonably expected to  
4 receive.

5 115. Consumers cannot avoid any of the injuries caused by DEFENDANTS' deceptive  
6 labeling and/or advertising of the Products.

7 116. Accordingly, the injuries caused by DEFENDANTS' deceptive labeling and/or  
8 advertising do not outweigh any benefits.

9 117. Some courts conduct a balancing test to decide if a challenged activity amounts to  
10 unfair conduct under California Business and Professions Code section 17200. They "weigh the  
11 utility of the defendant's conduct against the gravity of the harm to the alleged victim." *Davis v.*  
12 *HSBC Bank Nevada, N.A.*, 691 F.3d 1152, 1169 (9th Cir. 2012).

13 118. Here, DEFENDANTS' conduct of labeling the Products with the Plant-Based  
14 Representations has no utility and financially harms purchasers. Thus, the utility of  
15 DEFENDANTS' conduct is vastly outweighed by the gravity of harm.

16 119. Some courts require that "unfairness must be tethered to some legislative declared  
17 policy or proof of some actual or threatened impact on competition." *Lozano v. AT&T Wireless*  
18 *Servs. Inc.*, 504 F. 3d 718, 735 (9th Cir. 2007).

19 120. DEFENDANTS' labeling and advertising of the Products, as alleged herein, is false,  
20 deceptive, misleading, and unreasonable, and constitutes unfair conduct.

21 121. DEFENDANTS knew or should have known of their unfair conduct.

22 122. As alleged in the preceding paragraphs, DEFENDANTS' misrepresentations  
23 constitute an unfair business practice within the meaning of California Business and Professions  
24 Code section 17200.

25 123. There existed reasonably available alternatives to further DEFENDANTS' legitimate  
26 business interest, other than the conduct described herein. DEFENDANTS could have refrained  
27 from labeling the Products with the Plant-Based Representations.

124. All of the conduct alleged herein occurs and constitutes to occur in DEFENDANTS' business. DEFENDANTS' wrongful conduct is part of a pattern or generalized course of conduct.

125. Pursuant to Business and Professions Code section 17203, PLAINTIFF MOORE and the California Class seek an order of this Court enjoining DEFENDANTS from continuing to engage, use, or employ its practices of labeling the Products with the Plant-Based Representations.

126. PLAINTIFF and the California Class have suffered injury in fact and have lost money as a result of DEFENDANTS' unfair conduct. PLAINTIFF MOORE and the California Class paid an unwarranted premium for the Products. Specifically, PLAINTIFF MOORE and the California Class paid for Products that contained ingredients that are non-natural, synthetic, and/or highly processed. PLAINTIFF MOORE and the California Class would not have purchased the Products, or would have paid substantially less for the Products, if they had known that the Products' advertising and labeling were deceptive. Accordingly, PLAINTIFF MOORE seeks damages, restitution, and/or disgorgement of ill-gotten gains pursuant to the UCL.

#### **B. "Fraudulent" Prong**

127. California Business and Professions Code section 17200, *et seq.*, considers conduct fraudulent (and prohibits said conduct) if it is likely to deceive members of the public. *Bank of the West v. Superior Court*, 2 Cal. 4th 1254, 1267 (1992).

128. DEFENDANTS' conduct of mislabeling the Products with the Plant-Based Representations is likely to deceive members of the public and is false, deceptive, misleading, and unreasonable, and constitutes fraudulent conduct.

129. DEFENDANTS knew or should have known of their fraudulent conduct.

130. As alleged herein, DEFENDANTS' misrepresentations constitute a fraudulent business practice in violation of California Business & Professions Code section 17200.

131. DEFENDANTS had reasonably available alternatives to further their legitimate business interests, other than the conduct described herein. DEFENDANTS could have refrained from labeling the Products with Plant-Based Representations.

132. All of the conduct alleged herein occurs and continues to occur in DEFENDANTS'

1 business. DEFENDANTS' wrongful conduct is part of a pattern or generalized course of conduct.

2 133. Pursuant to Business and Professions Code section 17203, PLAINTIFF MOORE and  
3 the California Class seek an order of this Court enjoining DEFENDANTS from continuing to  
4 engage, use, or employ its practice of labeling the Products with Plant-Based Representations.

5 134. PLAINTIFF and the California Class have suffered injury in fact and have lost  
6 money as a result of DEFENDANTS' fraudulent conduct. PLAINTIFF MOORE paid an  
7 unwarranted premium for the Products. Specifically, PLAINTIFF MOORE and the California Class  
8 paid for products that they believed only contain ingredients that come from plants, and that were  
9 not subjected to chemical modification or processing, which materially altered the ingredients'  
10 original plant-based composition or that were not animal derived. PLAINTIFF and the California  
11 Class would not have purchased the Products if they had known that the Plant-Based  
12 Representations were false. Accordingly, PLAINTIFF MOORE seeks damages, restitution, and/or  
13 disgorgement of ill-gotten gains pursuant to the UCL.

14 **C. Unlawful Prong**

15 135. California Business and Professions Code sections 17200, *et seq.*, identifies  
16 violations of other laws as "unlawful practices that the unfair competition law makes independently  
17 actionable." *Velazquez v. GMAC Mortg. Corp.*, 605 F. Supp. 2d 1049, 1068 (C.D. Cal. 2008).

18 136. Here, DEFENDANTS' labeling and advertising of the Products, as alleged herein,  
19 violates California Civil Code Section 1750, *et seq.* and California Business and Professions Code  
20 sections 17500, *et seq.*

21 137. DEFENDANTS' packaging, labeling, and advertising of the Products, as alleged  
22 herein, are false, deceptive, misleading, and unreasonable, and constitute unlawful conduct.

23 138. DEFENDANTS knew or should have known of their unlawful conduct.

24 139. As alleged herein, DEFENDANTS' misrepresentations constitute an unlawful  
25 business practice within the meaning of California Business and Professions Code section 17200.

26 140. Additionally, DEFENDANTS' misrepresentations of material facts, as set forth  
27 herein, violate California Civil Code sections 1572, 1573, 1709, 1710, 1711, and 1770, as well as  
28

1 the common law.

2 141. DEFENDANTS' conduct in making the representations described herein constitutes  
3 a knowing failure to adopt policies in accordance with and/or adherence to applicable laws, as set  
4 forth herein, all of which are binding upon and burdensome to their competitors. This conduct  
5 engenders an unfair competitive advantage for DEFENDANTS, thereby constituting an unfair,  
6 fraudulent, and/or unlawful business practice under California Business & Professions Code  
7 sections 17200-17208.

8 142. There were reasonably available alternatives to further DEFENDANTS' legitimate  
9 business interests other than the conduct described herein. DEFENDANTS could have refrained  
10 from making the Plant-Based Representations and/or omitting that the Products contained  
11 ingredients that are not plant based, chemically modified, and/or highly processed.

12 143. All of the conduct alleged herein occurred and continues to occur in DEFENDANTS'  
13 business. DEFENDANTS' wrongful conduct is part of a pattern or generalized course of conduct.

14 144. Pursuant to Business and Professions Code section 17203, PLAINTIFF and the  
15 California Class seek an order of this Court enjoining DEFENDANTS from continuing to engage,  
16 use, or employ its practice of false and deceptive labeling and advertising of the Products.

17 145. PLAINTIFF and the California Class have suffered injury in fact and have lost  
18 money as a result of DEFENDANTS' unlawful conduct. PLAINTIFF MOORE and the California  
19 Class paid an unwarranted premium for the Products. PLAINTIFF MOORE and the California Class  
20 would not have purchased the Products if they had known that the Plant-Based Representations were  
21 untrue. Accordingly, PLAINTIFF MOORE seeks damages, restitution, and/or disgorgement of ill-  
22 gotten gains pursuant to the UCL.

## 23 **SECOND CAUSE OF ACTION**

### 24 **Violation of the False Advertising Law ("FAL")**

25 **(California Business and Professions Code §§ 17200, *et. seq.*)**

26 **(On Behalf of Plaintiff Moore and the California Class Against All DEFENDANTS)**

27 146. PLAINTIFFS re-allege and incorporate by reference all allegations contained in the  
28

1 complaint, as though fully set forth herein.

2 147. PLAINTIFF MOORE brings this claim individually and on behalf of the California  
3 Class who purchased the Products within the applicable statute of limitations.

4 148. California Business and Professions Code section 17500 prohibits “unfair, deceptive,  
5 untrue or misleading advertising[.]”

6 149. DEFENDANTS violated section 17500 when they represented, through their false  
7 and misleading advertising and other express representations, that DEFENDANTS’ Products  
8 possessed characteristics and value that they did not actually have.

9 150. DEFENDANTS’ deceptive practices were specifically designed to induce reasonable  
10 consumers, like PLAINTIFF MOORE, to purchase the Products. DEFENDANTS’ uniform,  
11 material representations and omissions regarding the Products were likely to deceive, and  
12 DEFENDANTS knew or should have known that their uniform representations and omissions were  
13 untrue and misleading. PLAINTIFF MOORE purchased the Products in reliance on the  
14 representations made by DEFENDANTS, as alleged herein.

15 151. PLAINTIFF MOORE and members of the California Class have been directly and  
16 proximately injured by DEFENDANTS’ conduct in ways including, but not limited to, the monies  
17 paid to DEFENDANTS for the Products that lacked the characteristics advertised, interest lost on  
18 those monies, and consumers’ unwitting support of a business enterprise that promotes deception  
19 and undue greed to the detriment of consumers, such as PLAINTIFF MOORE and the California  
20 Class members.

21 152. The above acts of DEFENDANTS, in disseminating materially misleading and  
22 deceptive representations and statements throughout California to consumers, including  
23 PLAINTIFF MOORE and members of the California Class, were and are likely to deceive  
24 reasonable consumers in violation of section 17500.

25 153. In making and disseminating the statements alleged herein, DEFENDANTS knew or  
26 should have known that the statements were untrue or misleading, and acted in violation of section  
27 17500.



1           154. DEFENDANTS continue to engage in unlawful, unfair and deceptive practices in  
2 violation of section 17500.

3           155. As a direct and proximate result of DEFENDANTS' unlawful conduct in violation  
4 of section 17500, PLAINTIFF MOORE and members of the California Class, pursuant to section  
5 17535, are entitled to an order of this Court enjoining such future wrongful conduct on the part of  
6 DEFENDANTS and requiring DEFENDANTS to disclose the true nature of their  
7 misrepresentations. PLAINTIFF MOORE has no adequate remedy at law. Without equitable relief,  
8 DEFENDANTS' unfair, deceptive, untrue, and misleading practices will continue to harm  
9 PLAINTIFF and the Class.

10           156. As a direct and proximate result of DEFENDANTS' unlawful conduct in violation  
11 of section 17500, PLAINTIFF MOORE and members of the California Class were harmed and  
12 suffered financial losses in the dollar amount to be proven at the time of trial that PLAINTIFF  
13 MOORE and the California Class members paid for the misrepresented attributes of the Products,  
14 up to and including the full purchase price of the Products. PLAINTIFF MOORE seeks an award  
15 under the FAL of damages, restitution, and/or disgorgement of this dollar amount for PLAINTIFF  
16 MOORE's and the California Class members' purchases of the Products.

17           157. DEFENDANTS' unfair, fraudulent, and unlawful conduct described herein  
18 constitutes malicious, oppressive, and/or fraudulent conduct warranting an award of punitive  
19 damages as permitted by law. DEFENDANTS' misconduct is malicious as DEFENDANTS acted  
20 with the intent to cause PLAINTIFF MOORE and consumers to pay for Products that they were not,  
21 in fact, receiving. DEFENDANTS willfully and knowingly disregarded the rights of PLAINTIFF  
22 MOORE and consumers as DEFENDANTS were aware of the probable dangerous consequences  
23 of their conduct and deliberately failed to avoid misleading consumers, including PLAINTIFF  
24 MOORE. DEFENDANTS' misconduct is oppressive as, at all relevant times, said conduct was so  
25 vile, base, and/or contemptible that reasonable people would look down upon it and/or otherwise  
26 would despise such corporate misconduct. Said misconduct subjected PLAINTIFF MOORE and  
27 consumers to cruel and unjust hardship in knowing disregard of their rights. DEFENDANTS'



misconduct is fraudulent as DEFENDANTS, at all relevant times, intentionally misrepresented and/or concealed material facts with the intent to deceive PLAINTIFF MOORE and consumers. The wrongful conduct constituting malice, oppression, and/or fraud was committed, authorized, adopted, approved, and/or ratified by officers, directors, and/or managing agents of DEFENDANTS.

### **THIRD CAUSE OF ACTION**

#### **Violation of the Consumers Legal Remedies Act (“CLRA”)**

#### **(California Civil Code §§ 1750, *et. seq.*)**

#### **(On Behalf of Plaintiff Moore and the California Class Against All DEFENDANTS)**

158. PLAINTIFFS re-allege and incorporate by reference all allegations contained in the complaint, as though fully set forth herein.

159. PLAINTIFF MOORE brings this claim individually and on behalf of the California Class who purchased the Products within the applicable statute of limitations.

160. PLAINTIFF MOORE brings this action pursuant to California’s Consumers Legal Remedies Act (“CLRA”), codified at Cal. Civ. Code §§ 1750, *et seq.*

161. The CLRA provides that “unfair methods of competition and unfair or deceptive acts or practices undertaken by any person in a transaction intended to result or which results in the sale or lease of goods or services to any consumer are unlawful.”

162. The Products are “goods,” as defined by the CLRA in California Civil Code §1761(a).

163. DEFENDANTS is a “person,” as defined by the CLRA in California Civil Code §1761(c).

164. PLAINTIFF MOORE and members of the California Class are “consumers,” as defined by the CLRA in California Civil Code §1761(d).

165. Purchase of the Products by PLAINTIFF MOORE and members of the California Class are “transactions,” as defined by the CLRA in California Civil Code §1761(e).

166. DEFENDANTS violated Section 1770(a)(5) by representing that the Products have “characteristics, . . . uses [or] benefits . . . which [they] do not have” in that the Products are falsely

1 labeled and advertised, as described herein. DEFENDANTS knew that consumers will often pay  
2 more for products with the Plant-Based Representations and have unfairly profited from the false  
3 and misleading representations.

4 167. Similarly, DEFENDANTS violated section 1770(a)(7) by representing that the  
5 Products “are of a particular standard, quality, or grade . . . if they are of another” by falsely and  
6 deceptively labeling and advertising the Products, as described herein.

7 168. In addition, DEFENDANTS violated section 1770(a)(9) by advertising the Products  
8 “with intent not to sell them as advertised” in that the Products are falsely labeled and advertised,  
9 as described herein.

10 169. In addition, DEFENDANTS violated section 1770(a)(16) by representing that the  
11 subject of a transaction has been supplied in accordance with a previous representation when it has  
12 not, as described herein.

13 170. DEFENDANTS’ uniform and material representations and omissions regarding the  
14 Products were likely to deceive, and DEFENDANTS knew or should have known that their  
15 representations and omissions were untrue and misleading.

16 171. PLAINTIFF MOORE and members of the California Class could not have  
17 reasonably avoided such injury. PLAINTIFF MOORE and members of the California Class were  
18 unaware of the existence of the facts that DEFENDANTS suppressed and failed to disclose, and  
19 PLAINTIFF MOORE and members of the California Class would not have purchased the Products  
20 and/or would have purchased them on different terms had they known the truth.

21 172. PLAINTIFF MOORE and members of the California Class have been directly and  
22 proximately injured by DEFENDANTS’ conduct. Such injury includes, but is not limited to, the  
23 purchase price of the Products and/or the portion of the price paid for the misrepresented attributes  
24 of the Products.

25 173. Given that DEFENDANTS’ conduct violated section 1770(a), PLAINTIFF MOORE  
26 and members of the California Class are entitled to seek and seek injunctive relief to put an end to  
27 DEFENDANTS’ violations of the CLRA.

1 174. Moreover, DEFENDANTS' conduct is malicious, fraudulent, and wanton in that  
2 DEFENDANTS intentionally misled and withheld material information from consumers to increase  
3 the sale of the Products.

4 175. Pursuant to California Civil Code section 1782, more than thirty days prior to the  
5 filing of this Complaint, PLAINTIFF MOORE, on Plaintiff's behalf and on behalf of members of  
6 the Class, notified DEFENDANTS of violations of the Consumers Legal Remedies Act. On May  
7 25, 2022, PLAINTIFF served notice on DEFENDANTS at the addresses set forth therein, regarding  
8 DEFENDANTS' violations of the California Legal Remedies Act, pursuant to California Civil Code  
9 section 1782. Attached hereto as **Exhibit 1** is a true and correct copy of CLRA Notice sent to  
10 Defendants via certified mail return receipt requested ("CLRA Notice"). The form, content, and  
11 delivery of the CLRA Notice satisfied subsection (1) and (2) of section 1782(a). The CLRA Notice  
12 of violations and demand for remedial action, as of the filing of this initial Complaint, did not result  
13 in any appropriate correction, repair, replacement, or other remedial action by DEFENDANTS,  
14 including the remedial action requested therein and set forth under section 17782 (c).

15 176. As a direct and proximate result of DEFENDANTS' conduct in violation of the  
16 California Consumers Legal Remedies Act, PLAINTIFF MOORE and members of the California  
17 Class were harmed in the amount of the purchase price they paid for the Products. Further,  
18 PLAINTIFF MOORE and members of the California Class have suffered and continue to suffer  
19 economic losses and other damages including, but not limited to, the amounts paid for the Products,  
20 and any interest that would have accrued on those monies, in an amount to be proven at trial.  
21 Accordingly, PLAINTIFF MOORE seeks a monetary award for violations of this Act in the form of  
22 damages, restitution, and/or disgorgement of ill-gotten gains to compensate PLAINTIFF MOORE and  
23 the California Class for said monies.

24 177. PLAINTIFF MOORE further requests that the Court enjoin DEFENDANTS from  
25 continuing to employ the unlawful methods, acts, and practices alleged herein pursuant to section  
26 1780(a)(2), and otherwise require DEFENDANTS to take corrective action necessary to dispel the  
27 public misperception engendered, fostered, and facilitated through DEFENDANTS' false Plant-  
28

1 Based Representations.

2 **FOURTH CAUSE OF ACTION**

3 **Violations of New York General Business Law Section 349**

4 **(On Behalf of Plaintiff Rabinowitz and the New York Class against All DEFENDANTS)**

5 178. PLAINTIFFS re-allege and incorporate by reference all allegations contained in the  
6 complaint, as though fully set forth herein.

7 179. PLAINTIFF RABINOWITZ brings this claim individually and on behalf of the New  
8 York Class who purchased the Products within the applicable statute of limitations.

9 180. New York's General Business Law section 349 prohibits deceptive acts or practices  
10 in the conduct of any business, trade, or commerce in the State of New York.

11 181. In their sale of the Products throughout the State of New York, at all relevant times  
12 herein, DEFENDANTS conducted business and trade within the meaning and intendment of New  
13 York's General Business Law section 349.

14 182. PLAINTIFF RABINOWITZ and the New York Class members are consumers who  
15 purchased the Products from DEFENDANTS for their personal use.

16 183. By the acts and conduct alleged herein, DEFENDANTS engaged in deceptive,  
17 unfair, and misleading acts and practices by conspicuously representing on the packaging of the  
18 Products the Plant-Based Representation. Despite the Plant-Based Representation, however, the  
19 Products contain synthetic ingredients.

20 184. The foregoing deceptive acts and practices were directed at consumers.

21 185. The foregoing deceptive acts and practices are misleading in a material way because  
22 they fundamentally misrepresent the nature and value of the Products.

23 186. As a result of DEFENDANTS' deceptive practices, PLAINTIFF RABINOWITZ and  
24 the New York Class members suffered an economic injury because they would not have purchased  
25 or would have paid less for the Products had they known the veracity of DEFENDANTS'  
26 misrepresentations.

27 187. On behalf of herself and the New York Class members, PLAINTIFF RABINOWITZ  
28

Case No. 4:22-cv-07618-JST

1 seeks injunctive relief and seeks to recover actual damages or fifty dollars per unlawful transaction  
2 (i.e., for each sale of the Products), whichever is greater, three times actual damages, and reasonable  
3 attorneys' fees and costs.

#### 4 **FIFTH CAUSE OF ACTION**

##### 5 **Violations of New York General Business Law Section 350**

##### 6 **(On Behalf of Plaintiff Rabinowitz and the New York Class against All DEFENDANTS)**

7 188. PLAINTIFFS re-allege and incorporate by reference all allegations contained in the  
8 complaint, as though fully set forth herein.

9 189. PLAINTIFF RABINOWITZ brings this claim individually and on behalf of the New  
10 York Class who purchased the Products within the applicable statute of limitations.

11 190. New York's General Business Law section 350 prohibits false advertising in the  
12 conduct of any business, trade, or commerce in the State of New York.

13 191. DEFENDANTS violated New York General Business Law section 350 by  
14 representing on the packaging of the Products the Plant-Based Representation. Despite the Plant-  
15 Based Representation, however, the Products contain synthetic ingredients.

16 192. The foregoing advertising was directed at consumers and was likely to mislead a  
17 reasonable consumer acting reasonably under the circumstances.

18 193. DEFENDANTS' misrepresentations have resulted in consumer injury or harm to the  
19 public interest.

20 194. As a result of DEFENDANTS' false advertising, PLAINTIFF RABINOWITZ and  
21 the New York Class members suffered an economic injury because they would not have purchased  
22 or would have paid less for the Products had they known the veracity of DEFENDANTS'  
23 misrepresentations.

24 195. On behalf of herself and the New York Class members, PLAINTIFF RABINOWITZ  
25 seeks injunctive relief and seeks to recover actual damages or five hundred dollars per unlawful  
26 transaction (i.e., for each sale of the Products), whichever is greater, three times actual damages,  
27 and reasonable attorneys' fees and costs.

**PRAYER FOR RELIEF**

WHEREFORE, PLAINTIFFS, individually and on behalf of all others similarly situated, prays for judgment against DEFENDANTS as follows:

1. For an order certifying this action as a class action;
2. For an order declaring that DEFENDANTS' conduct violates the statutes and laws referenced herein;
3. For an order requiring DEFENDANTS to immediately cease and desist from selling the unlawful Products in violation of law; enjoining DEFENDANTS from continuing to market, advertise, distribute, and sell the Products in the unlawful manner described herein; and ordering DEFENDANTS to engage in corrective action;
4. For an order awarding restitution, monetary damages, statutory damages, and/or disgorgement of wrongful profits consistent with applicable law;
5. For an order awarding pre-and post-judgment interest;
6. For an order awarding attorneys' fees and costs;
7. For an order awarding punitive damages; and
8. For such other and further relief as the Court deems just and proper.

Dated: August 19, 2024

CROSNER LEGAL, P.C.

By: /s/ Craig W. Straub  
Craig W. Straub  
Zachary M. Crosner

*Attorneys for Plaintiffs Drew Moore and  
Jana Nicole Rabinowitz and the Proposed Class*

**DEMAND FOR JURY TRIAL**

PLAINTIFFS demands a trial by jury on all claims so triable.

Dated: August 19, 2024

CROSNER LEGAL, P.C.

Case No. 4:22-cv-07618-JST

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

By: /s/; Craig W. Straub  
Craig W. Straub  
Zachary M. Crosner

*Attorneys for Plaintiffs Drew Moore and  
Jana Nicole Rabinowitz and the Proposed Class*